

NPDES Permit No. AK-G52-0000

United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, OW-130
Seattle, Washington 98101

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR
SEAFOOD PROCESSORS IN ALASKA**

In compliance with the provisions of the Clean Water Act, 33 U.S.C.A. § 1251 *et seq.* (hereafter, CWA or the Act), the owners and operators of the seafood processing facilities that are described in Part I of this general National Pollutant Discharge Elimination System (NPDES) permit are authorized to discharge seafood processing wastes and the concomitant wastes set out in Part II of this Permit to waters of the United States, except those excluded from authorization of discharge in Part III of this Permit, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. The discharge of wastes not specifically set out in Part II of this Permit is not authorized under this Permit.

Upon the effective date of this Permit, it is the controlling document for regulation of seafood processing wastes and other designated wastewaters in the State of Alaska discharged by authorized facilities in accordance with this Permit.

This Permit shall become effective July 27, 2001.

This Permit and the authorization to discharge shall expire at midnight July 27, 2006.

Signed this 18th day of July, 2001.

/s/ Randall F. Smith
Randall F. Smith
Director
Office of Water

A COPY OF THIS PERMIT MUST BE KEPT AT THE FACILITY WHERE THE DISCHARGES OCCUR.

In compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the Office of Management and Budget has approved the collection of information requested in general NPDES permit no. AK-G52-0000 (OMB Control No. 2040-0004, 2040-0086 and 2040-0110).

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I. AUTHORIZED FACILITIES

A. Categories of authorized dischargers

Subject to the restrictions of this Permit, the following categories of dischargers are authorized to discharge the pollutants set out in Part II of this Permit once a Notice of Intent has been filed with and a written authorization is received from EPA:

1. Operators of off-shore vessels engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafood or the processing of seafood mince, paste or meal;
2. Operators of near-shore vessels engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafood, the processing of unwashed mince, or the processing of meal and other secondary by-products; and
3. Operators of shore-based facilities engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafood, the processing of unwashed mince, or the processing of meal and other secondary by-products.

Operations which catch and process seafood and which discharge less than one thousand (1,000) pounds of seafood waste per day and less than fifteen tons (30,000 lbs) of seafood waste per calendar year may be but are not required to be covered under this general NPDES permit.

B. Unauthorized dischargers

Shore-based and near-shore seafood processors discharging seafood washed mince or paste process wastes to receiving waters within one (1) nautical mile of shore are not authorized to discharge under this general NPDES permit. These facilities are required to apply for and receive individual NPDES permits.

II. AUTHORIZED DISCHARGES

A. Discharges from seafood processing facilities

This Permit authorizes the discharge of the following pollutants subject to the limitations and conditions set forth herein:

1. **Seafood processing wastewater and wastes**, including the waste fluids, heads, organs, flesh, fins, bones, skin, chitinous shells, and stickwater produced by the conversion of aquatic animals from a raw form to a marketable form.
 - a. **Treatment of waste solids.** Permittees shall grind solid seafood processing wastes to one-half inch in any dimension or smaller prior to discharge. This one-half inch grinding requirement does not apply to (1) the calcareous shells

of scallops, clams, oysters and abalones, (2) the calcareous shells (i.e., “tests”) of sea urchins, or (3) incidental catches of “prohibited (catch) species” which are neither retained nor processed.

- b. **Limit on seafood processing waste residues.** Permittees shall discharge no more than 10 million pounds per calendar year of seafood processing waste residues (*raw, unprocessed product minus finished, processed product*) unless authorized by EPA and the Alaska Department of Environmental Conservation (ADEC).
 - c. **At-sea discharges.** Permittees are authorized to discharge treated seafood processing wastes, including residues and stickwater, at-sea to receiving waters that are at least one nautical mile from shore as delineated by mean lower low water (MLLW) and that are at least minus 120 feet deep at MLLW. At-sea discharges should occur from vessels underway at speeds exceeding three (3) knots in order to ensure wide dispersion of seafood processing waste residues. The permittee shall notify EPA and ADEC of its plans for transport and disposal prior to discharge. The permittee shall maintain a written log for each at-sea discharge, noting the time, date, amount, nature and location (latitude and longitude in degrees, minutes, and seconds as determined by GPS) of each discharge. The permittee shall also record observations of types and approximate numbers of sea ducks, seabirds, and marine mammals attracted to and congregating in the discharge track.
2. Wash-down water, including EPA-approved disinfectants added to wash-down water to facilitate the removal of wastes and to maintain sanitary standards during processing or to sanitize seafood processing areas.
 3. Sanitary wastewater that is indirectly discharged through a local municipal treatment facilities or to septic systems which meet State requirements under 18 AAC 72, or that is treated by a secondary treatment facility or a certified and operable Type I or Type II Marine Sanitation Device prior to discharge.
 4. Other wastewater generated in the seafood processing operation, including domestic gray water, seafood catch transfer water, live tank water, refrigerated seawater, cooking water, boiler water, cooling water, refrigeration condensate, freshwater pressure relief water, clean-up water, and scrubber water.

All discharges shall comply with Alaska Water Quality Standards [18 AAC 70] while in the waters of the State of Alaska.

B. Unauthorized discharges

1. The discharge of pollutants not specifically set out in this Part is not authorized under this Permit.

2. This general NPDES permit does not authorize any discharges from facilities that (1) have not submitted a Notice of Intent and received written authorization to discharge under this Permit from EPA or (2) have not been notified in writing by EPA that they are covered under this Permit as provided for in the Code of Federal Regulations (CFR) volume 40, section 122.28(b)(2)(vi).
3. **The discharge of petroleum** (e.g., diesel, kerosene, and gasoline) or hazardous substances into or upon the navigable waters of the U.S., adjoining shorelines, into or upon the waters of the contiguous zone which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the U.S., **is prohibited** under 33 U.S.C.A. § 1321(b)(3). Any person in charge of a vessel, an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substances from such vessel or facility, immediately notify the U.S. Coast Guard's Command Center (1-800-478-5555) and ADEC's Oil Spill Prevention and Emergency Response Hotline (1- 800-478-9300) of such discharge.

III. **AREAS EXCLUDED FROM AUTHORIZATION UNDER THIS GENERAL NPDES PERMIT**

Subject to the waiver provision set out in Part III.E, this Permit does not authorize the discharge of pollutants in the following circumstances:

A. **Protected water resources, critical habitats and special areas**

This Permit does not authorize the discharge of pollutants into the protected water resources, critical habitats and special areas as listed below and described in the table and figures of the Appendix. [See Appendices A, B and C.]

1. Within one (1) nautical mile of a State Game Sanctuary, State Game Refuge or State Critical Habitat Area.
2. Within one (1) nautical mile of a National Park, Preserve or Monument.
3. Within one (1) nautical mile of a National Wildlife Refuge.
4. Within one (1) nautical mile of a National Wilderness Area.
5. In a river designated as wild or scenic under the Wild and Scenic Rivers Act.
6. Within three (3) nautical miles of the seaward boundary of a rookery or major haul-out area of the Steller sea lion which has been designated as "critical habitat" by the National Marine Fisheries Service (NMFS) and within fishing areas closed by NMFS as critical Steller sea lion habitat.

7. Within one (1) nautical mile of the seaward boundary of a nesting area of a colony of one thousand or more of the following seabirds during the period May 1 through September 30: auklets, cormorants, fulmars, guillemots, kittiwakes, murre, petrels, puffins and/or terns and other local aggregations of seabirds, including non-colony nesting birds such as eiders and murrelets.
8. Within one (1) nautical mile of designated critical habitat for the Steller's eider, including nesting and breeding areas on the North Slope of Alaska and the Yukon-Kuskokwim Delta during the months of May through September and including the wintering range in sixteen (16) coastal Alaskan areas during the months of October through April as set forth in Appendices A, B and C.
9. Orca Inlet. No discharge of uncooked fish processing waste residues may occur during the months of November, December, January, February and March in of Orca Inlet where sea otters, which are protected under the Marine Mammal Protection Act, are attracted to the discharge and waste deposit as a food source.
10. "Living substrates," such as submerged aquatic vegetation, kelp and eelgrass in shallow coastal waters (generally less than minus 60 ft depth MLLW).

B. At-risk water resources and waterbodies

This Permit does not authorize the discharge of pollutants in the following at-risk water resources and waterbodies.

1. Areas with water depth of less than 60 feet mean lower low water (MLLW) that have or are likely to have poor flushing, including but not limited to sheltered waterbodies such as bays, harbors, inlets, coves and lagoons and semi-enclosed water basins bordered by sills of less than 60 feet MLLW depth. For the purposes of this section, "poor flushing" means average currents of less than one-third (0.33) of a knot at any point in the receiving water within three hundred (300) feet of the outfall.
2. Akun Island: Lost Harbor.
3. Lakes, rivers and streams.

C. Degraded waterbodies

This Permit does not authorize the discharge of pollutants into any waterbody included in ADEC's 1998 (or subsequent revisions) CWA 305(b) report or CWA § 303(d) list of waters which are "impaired" or "water quality-limited" for dissolved gas or residues (i.e., floating solids, debris, sludge, deposits, foam or scum).

D. Small waterbodies

Any waterbody that would not meet the minimum requirements for mixing zone size specification under 18 AAC 70.255: “the linear length of all mixing zones intersected on any given cross section of an estuary, inlet, cove, channel or other marine water may not exceed 10% of the total length of that cross section and the total horizontal area allocated to all mixing zones may not exceed 10% of the surface area.” Since the state-authorized mixing zone has a diameter of 200 ft, a bay or channel that is less than 2,000 ft across fails to meet these criteria and is designated as a “small” waterbody excluded from coverage under this Permit.

E. Areas covered by other general NPDES permits

1. This Permit does not authorize the discharge of pollutants to receiving waters adjacent to the City of Kodiak, including Kodiak Harbor, St. Paul Harbor, Gibson Cove, Near Island Channel, Women’s Bay, and Woody Island Channel.
2. This Permit does not authorize the discharge of pollutants to the receiving waters within three (3) nautical miles of the Pribilof Islands.

F. Waiver to discharge in the excluded areas

An owner or operator of a seafood processing facility may request a waiver to discharge under this Permit in the excluded areas listed in Parts III.A-D. In order to obtain a waiver to discharge in one or more of these excluded areas, an applicant must submit a timely and complete request for a waiver in accordance with the requirements listed in Part IV.D. Pre-existing, permanent shore-based siting may be considered justification for a waiver.

IV. APPLICATION TO BE PERMITTED UNDER THIS GENERAL NPDES PERMIT

In order to be authorized to discharge any of the pollutants set out in Part II to waters of the United States under this general NPDES permit, one must apply for coverage under this Permit. This general NPDES permit does not authorize any discharges from facilities that have not received authorization from EPA to discharge under this Permit.

A. Submittal of a Notice of Intent to be covered under this general NPDES permit

An applicant wishing authorization to discharge under this Permit shall submit a timely and complete Notice of Intent (NOI) to EPA and ADEC in accordance with the requirements listed herein. [See Attachment B for NOI form.] A qualified applicant will be authorized to discharge under this Permit upon its certified receipt from EPA of written notification of inclusion and the assignment of an NPDES permit number.

1. EPA may notify a discharger that it is covered by this general NPDES permit, even if the discharger has not submitted a Notice of Intent [40 CFR § 122.28(b)(2)(vi)].

2. EPA may require any discharger applying for coverage under this general NPDES permit to apply for and obtain an individual NPDES permit in accordance with 40 CFR § 122.28(b)(3).
3. Any applicant planning (1) to construct a facility or to convert a facility that was not previously permitted as a seafood processor under NPDES and (2) to discharge pollutants regulated under NPDES shall be required to prepare an Environmental Information Document (EID) and submit this EID to EPA Region 10. The EID will include information on the potential effect of the construction and operation on water quality, threatened and endangered species, essential fish and shellfish habitat, and other environmental values. EPA will use the EID to prepare an Environmental Assessment to make a determination of the impacts of the permit action in compliance with the National Environmental Protection Act (NEPA). Guidance for preparing the EID can be obtained by contacting EPA's Office of Water NEPA Compliance Coordinator.
4. An owner of any shore-based or near-shore facility to be constructed after the issuance of this Permit shall submit to the State of Alaska, Division of Governmental Coordination, a Coastal Project Questionnaire to determine if a review is needed for consistency with the Alaska Coastal Management Plan.
5. A permittee authorized to discharge under this Permit shall submit to EPA and ADEC an updated and amended NOI when there is any material change in the information submitted within its original NOI.
6. A permittee shall submit its original Notice of Intent to be covered under this general NPDES permit to:

U.S. Environmental Protection Agency Region 10
NPDES Permit Unit OW-130
1200 Sixth Avenue
Seattle, Washington 98101

and, a copy to:

Alaska Department of Environmental Conservation
Attention: Air and Water Quality Division
555 Cordova Street
Anchorage, Alaska 99501

B. What constitutes a “timely” submittal of a Notice of Intent

1. New permittee. A new permittee not previously authorized to discharge by general NPDES permit no. AK-G52-0000 and seeking coverage under this Permit shall

submit an NOI at least 60 days prior to the commencement of operation and discharge at its facility.

2. Previous permittee. A permittee covered by the 1995 version of general NPDES permit no. AK-G52-0000 for seafood processors who submitted its NOI prior to August 4, 2000, is deemed to have submitted a "timely" NOI. A permittee covered by the 1995 version of general NPDES permit no. AK-G52-0000 who did not submit an NOI prior to August 4, 2000, must submit an NOI to be authorized under this Permit no later than 90 days from the effective date of this Permit.
3. Any discharger who fails to submit an NOI and/or obtain coverage under this Permit and who discharges seafood wastes to receiving waters of the U.S., will be in violation of the Clean Water Act for discharging without an NPDES permit.

C. What constitutes a "complete" submittal of a Notice of Intent

1. Permit information.

An NOI shall include any NPDES number(s) currently or previously assigned to the facility and the ADEC-EH seafood processor permit number.

2. Operator information. The operator of a facility will be the permitted discharger.

An NOI shall include the name, complete address and telephone number of the operator of the facility and the name of the operator's duly authorized representative. If a facsimile machine and/or email address is available at this address, it is useful to provide a FAX number and/or email address.

3. Owner information.

An NOI shall include the name and the complete address and telephone number of the owner of the facility and the name of the owner's duly authorized representative. If a facsimile machine and/or email address is available at this address, it is useful to provide a FAX number and/or email address.

4. Facility or vessel information.

- a. An NOI shall include the name, address and telephone number of the facility or vessel. If the name of the facility or vessel has changed, the NOI shall include the previous name(s) of the facility or vessel and the date(s) of these changes during the last five years. If a facsimile machine and/or email address is available at this address, it is useful to provide a FAX number and/or email address.

- b. For near-shore and shore-based facilities or vessels, an NOI shall include a description of the physical location of the facility and its accurate location in

terms of latitude and longitude with a precision of at least 15 seconds of a degree (. 0.25 mile).

An NOI shall also include an area map of the location of the facility or vessel and all outfall(s). This map shall be based upon an official map or bathymetric chart of the National Oceanic and Atmospheric Administration (NOAA) or the U.S. Geologic Survey (USGS) of a scale of resolution from 1:20,000 to 1:65,000.

- c. For mobile facilities, an NOI shall include the U.S. Coast Guard (USCG) vessel number, the type, and any former name of the vessel.

5. Facility classification.

An NOI shall include the classification(s) of the facility as one or more of the following categories of seafood processors:

- a. Off-shore seafood processor: a processor operating and discharging more than one (1) nautical mile from shore at MLLW.
- b. Near-shore seafood processor: a processor operating and discharging from one (1) to one-half (0.5) nautical mile from shore at MLLW.
- c. Shore-based seafood processor: a processor operating and discharging less than one-half (0.5) nautical mile from shore at MLLW.

6. Projected production information.

An NOI shall include projected production data based upon historical operations and design capacity. Production data includes an identification of the process applied to the product, the name and quantity (in pounds) of the raw product(s) by species, the type(s) and quantity (in pounds) of the finished product(s), and the design capacity of the quantity (in pounds) of each raw product which can be processed in a 24-hour day. The NOI shall also include the projected processing location(s) and number of operating days by month for the facility.

7. Description of discharges.

An NOI shall include information concerning all the discharges from the facility.

- a. Sanitary wastes. The NOI shall identify the type of the sanitary wastewater treatment system. For shore-based facilities, (1) identify the municipal system or on-site septic system that accepts the discharge and (2) indicate its design capacity and treatment process. For vessels, identify the type of marine sanitation device (MSD), including the date when the USCG approved

and certified the MSD, when it was installed, its capacity (gal/day) and number of people using the MSD.

- b. Seafood processing wastes discharges. An NOI shall include the depth at MLLW and the distance from shore at MLLW of the end of the outfall pipe at which the effluent is discharged, the name and type of grinder used to treat seafood processing wastewater, and the design grinding dimension.
 - c. Other wastewater. An NOI shall include information on process disinfectants, domestic wastewater, cooling water, boiler water, refrigeration condensate, transfer water, gray water, live tank water and freshwater pressure relief water.
 - d. Projected maximum quantity. An NOI shall include the projected maximum quantity in pounds (lbs) of seafood processing waste residues which is projected to be discharged on a daily basis and on an annual basis.
8. Receiving water information.
- a. An NOI shall include the name(s) of the waterbody(ies) receiving the discharges of the facility and the name of any larger, adjacent receiving waterbody.
 - b. An NOI shall include information concerning any areas within three (3) nautical miles which are excluded from coverage under this Permit in Part III.
 - c. For near-shore and shore-based processors, an NOI shall include a bathymetric map of the receiving water within one (1) nautical mile of the discharge.
 - d. For near-shore and shore-based processors, an NOI shall include information of the average and maximum currents adjacent to the facility and at the point of discharge and the maximum tidal range of these waters.
9. Fueling capability and proximity to fueling stations.

An NOI shall include information about whether a permittee has the capability to refuel fishing vessels and, if so, the volume of its refueling tank.

If a permittee does not have a refueling capability, the NOI should report the location and the estimated distance of the nearest fuel station to the site at which the permittee discharges.

10. Submittals with the NOI.

Requests for waivers, a bathymetric map showing the facility and the surrounding receiving water to a distance of at least three (3) nautical miles, a diagrammatic map showing the facility and its outfall locations, a best management practices plan certification, a recent seafloor survey, and other pertinent documents must be submitted with the NOI to complete this application. [See Attachment D for seafloor survey form.]

11. Signatory requirements. All permit applications shall be signed as follows:

- a. For a corporation: by a principal corporate officer.
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- c. For a municipality, state, tribe, federal or other public agency: by either a principal executive officer or ranking elected official.

D. How does an applicant request a waiver to discharge in an excluded area under this general NPDES permit

An applicant who seeks a waiver of one or more of the requirements for discharge location in Part III.A-D must submit a timely and complete request for a waiver in accordance with the following requirements.

1. A Notice of Intent to be authorized to discharge under this general NPDES permit in accordance with the requirements of Parts IV.A-C.
2. A detailed description of the circumstances requiring discharge to the excluded area. This description should address alternatives to discharging within the excluded area.
3. A detailed description of the nature, magnitude and duration of the seafood processing operation and its discharges within the excluded area.
4. A detailed map showing the proposed or existing facility location, outfall location, receiving water bathymetry, surrounding upland topography and any protected water resources, special habitats or areas listed in Part III which are located within three (3) nautical miles of the site or its outfall. This area map of the facility and its outfall(s) shall be based upon an official map or chart of NOAA or USGS of a scale of resolution from 1:20,000 to 1:65,000.
5. A description of how and why the discharges will not cause a violation of state water quality standards, including antidegradation, zone of deposit and mixing zone, in the receiving waters. [see 18 AAC 70]

6. A description of how and why the discharges will not cause a significant degradation of the physical, chemical or biological integrity of the receiving water, especially essential fish and shellfish habitat. Examples of such environmental degradation include but are not limited to persistent seafloor deposits of residues, shoreline deposits of residues, and increased mortality in communities of marine life.
7. A description of how and why the discharges will not harm or impair the reproduction and growth of any threatened or endangered species within three (3) nautical miles of the proposed operation and discharge.

A waiver will not be authorized by EPA until after written concurrence by ADEC and after consultation between EPA and other appropriate federal and state government agencies and tribal governments to determine that the proposed discharge will comply with applicable state and federal laws and regulations, state-approved Coastal Zone Management Plans, and federally-approved tribal Coastal Zone Management Plans. ADEC may place appropriate conditions or requirements on the permittee under State law before approving a waiver under this part.

V. CATEGORIES OF PERMITTEES AND REQUIREMENTS

A. Off-shore seafood processors

(a processor operating and discharging more than one (1) nautical mile from shore at MLLW).

1. Effluent limitations and requirements.
 - a. Amount of seafood processing wastes. A permittee shall not discharge a volume or weight of seafood processing waste residues on a daily or annual basis which exceeds the amount reported in the permittee's Notice of Intent to be covered under this Permit.
 - b. Collection, conveyance, treatment and limitation of seafood processing wastes. A permittee shall route all seafood processing wastes through a waste conveyance and treatment system. The waste solids discharged from its outfall(s) shall not exceed one-half (0.5) inch in any dimension.
 - c. Scupper and floor drain wastes. A permittee shall route all incidental seafood processing waste in scuppers and floor drains through a waste conveyance system to the waste treatment system prior to discharge.
 - d. Waste conveyance system. A permittee shall conduct a daily visual inspection of the waste conveyance, including a close observation of the sump or other places of effluent collection for the removal of gloves, earplugs, rubber bands, or other equipment used during the processing of seafood that may inadvertently be entrained in the wastewater. Discharge of such items is

prohibited. Logs of this daily inspection must be kept on-board the vessel. Summaries of any items found and removed shall be submitted with the annual report.

- e. Grinder system. A permittee shall conduct a daily inspection of the grinder system during the processing season to confirm that the grinder(s) is (are) (1) operating and (2) reducing the size of the seafood residues to one-half inch or smaller. This will require inspecting the size of the ground residues reduced in grinding. Logs of these daily inspections shall be kept at the facility. Failure of the one-half inch grinding size shall be reported to EPA and ADEC in accordance with Part VII.C and summarized in the annual report.
- f. Outfall system. A permittee shall discharge seafood processing wastes to or below the sea surface. A pre-operational check of the outfall system shall be performed at the beginning of each processing season to ensure that the outfall system is operable. Logs of this check must be kept on-board the vessel. Any failure of the outfall system shall be reported to EPA and ADEC in accordance with Part VII.C and summarized in the annual report.
- g. Sanitary wastes. A permittee shall route all sanitary wastes through a sanitary waste system that meets the applicable Coast Guard pollution control standards then in effect [33 CFR § 159: "Marine sanitation devices"]. Nonfunctioning and undersized systems are prohibited.
- h. Other wastewaters. A permittee shall not discharge any other wastewaters that contain foam, floating solids, grease or oily wastes which produce a scum or sheen on the water surface, nor wastes that deposit residues which accumulate on the seafloor or shoreline. The incidental foam and scum produced by discharge of seafood catch transfer water must be minimized to the extent practicable as described in the best management practices plan of Part VI.A. Wastewaters that have not had contact with seafood are not required to be discharged through the seafood process waste-handling system.
- i. State-authorized mixing zone [see 18 AAC 70]. The mixing zone for the discharges authorized in Part II of this permit shall be a cylindrical shape with dimensions described as follows: the horizontal extent determined by a 100-foot radius around the terminus of the outfall, extending vertically up to the sea surface and extending vertically down to the seafloor.

The mixing zone is a volume of water that surrounds the discharge outfall where the effluent plume is diluted by the receiving water and within which the following specific water quality criteria may be exceeded: residues, dissolved gas, oil and grease, fecal coliform, pH, temperature, color, turbidity and total residual chlorine. Discharges shall not violate Alaska Water Quality Standards criteria beyond the 100-foot mixing zone.

- j. Monitoring. A permittee shall monitor its processing and discharges to develop and submit a timely, complete and accurate annual report and to detect and minimize occurrences of noncompliance with the limitations and conditions of this permit.

2. Best management practices requirements

During the term of this permit all permittees shall operate in accordance with a Best Management Practices Plan as described in Part VI.A.

3. Annual requirements

During the term of this permit all permittees shall prepare and submit an accurate and timely annual report of noncompliance, production, discharges and process changes as described in Part VI.B.

B. Near-shore seafood processors

(a processor operating and discharging from one (1) to one-half (0.5) nautical mile from shore at MLLW)

1. Effluent limitations and requirements

- a. Limit on the amount of seafood processing waste residues. A permittee shall not discharge a volume or weight of seafood processing waste residues on a daily or annual basis which exceeds the amount reported in the permittee's NOI. In no case shall a permittee discharge a wasteload of more than 10 million pounds per calendar year of seafood processing waste residues (*raw, unprocessed product minus finished, processed product*) unless authorized by EPA and ADEC.

A near-shore processor may apply for coverage under this Permit to discharge seafood processing wastes from a shuttle vessel underway at a speed exceeding three knots to an at-sea receiving water that is both (1) more than one nautical mile from shore as delineated at MLLW and (2) in water deeper than minus 120 ft MLLW. In the case of such an application for an additional discharge at-sea, the permittee shall submit an additional NOI which provides information on the proposed discharge in accordance with the requirements of Part IV of the Permit. In the case of authorization to discharge at-sea, the requirements of Part V.A ("Off-shore Seafood Processors") shall apply to the at-sea discharge. Seafood processing wastes discharged at-sea shall not be counted against the limit of 10 million pounds per calendar year.

A permittee may request a waiver to discharge under this Permit in excess of the processing waste limit of 10 million pounds per calendar year by submitting a timely and complete request for a waiver in accordance with the following requirements:

- (1) A Notice of Intent to be authorized to discharge under this general NPDES permit in accordance with the requirements of Parts IV.A-C.
- (2) A detailed description of the circumstances in support of the waiver request including alternatives to discharging in excess of the 10 million pounds per calendar year.
- (3) A detailed description of the nature, magnitude and duration of the seafood processing operation and its discharges.
- (4) A detailed map showing the facility location, outfall location(s) (including old abandoned outfalls and those in use), receiving water bathymetry and any protected water resources, special habitats or areas listed in Part II of this Permit which are located within three (3) nautical miles of the site or its outfall.
- (5) A description of how and why the discharges do not and will not cause a violation of State water quality standards (including antidegradation, zone of deposit and mixing zone) in the receiving waters [ACC Vol. 18, Part 70].
- (6) At least one seafloor survey conducted not longer than one year prior to the date of submittal that gives the areal amount of each previous and current waste deposit and meets the objective in Part VI.C.3.

If a waiver is approved, EPA and ADEC will revoke it by written notice to the permittee if new information is discovered that shows that the discharge is (1) violating State water quality standards or the zone of deposit authorized by ADEC or (2) otherwise degrading waters of the U.S.

A waiver will not be authorized by EPA until after written concurrence by ADEC and after consultation between EPA and other appropriate federal and state government agencies and tribal governments to determine that the proposed discharge will comply with applicable state and federal laws and regulations, state-approved Coastal Zone Management Plans, and federally-approved tribal Coastal Zone Management Plans.

- b. Collection, conveyance, treatment and limitation of seafood processing wastes. A permittee shall route all seafood processing wastes through a waste conveyance and treatment system. The waste solids discharged from its outfall(s) shall not exceed one-half (0.5) inch in any dimension.
- c. Scupper and floor drain wastes. A permittee shall route all incidental seafood processing waste in scuppers and floor drains through a waste conveyance system to the waste treatment system prior to discharge.

- d. Waste conveyance system. A permittee shall conduct a daily visual inspection of the waste conveyance, including a close observation of the sump or other places of effluent collection for the removal of gloves, earplugs, rubber bands, or other equipment used during the processing of seafood that may inadvertently be entrained in the wastewater. Discharge of such items is prohibited. Logs of this daily inspection must be kept on-board the vessel. Summaries of any items found and removed shall be submitted with the annual report.
- e. Grinder system. A permittee shall conduct a daily inspection of the grinder system during the processing season to confirm that the grinder(s) is (are) (1) operating and (2) reducing the size of the seafood residues to one-half inch or smaller. This will require inspecting the size of the ground residues reduced in grinding. Logs of these daily inspections shall be kept on-board the vessel. Failure of the one-half inch grinding size shall be reported to EPA and ADEC in accordance with Part VII.C and summarized in the annual report.
- f. Outfall system. A permittee shall discharge seafood processing wastes through an outfall line or a through-the-hull port at a depth of three (3) feet or more below the sea surface and to the receiving water at least minus 60 foot depth MLLW. A pre-operational check of the outfall line(s) shall be performed at the beginning of each processing season to ensure that the outfall system is operable. Logs of this check must be kept on-board the vessel. Any failure of the outfall system shall be reported to EPA and ADEC in accordance with Part VII.C and summarized in the annual report.
- g. Sanitary wastes. A permittee shall route all sanitary wastes through a sanitary waste system that meets the applicable Coast Guard pollution control standards then in effect [33 CFR § 159: "Marine sanitation devices"]. Nonfunctioning and undersized systems are prohibited.
- h. Other wastewaters. A permittee shall not discharge any other wastewaters that contain foam, floating solids, grease or oily wastes which produce a scum or sheen on the water surface, nor wastes that deposit residues which accumulate on the seafloor or shoreline. The incidental foam and scum produced by discharge of seafood catch transfer water must be minimized to the extent practicable as described in the best management practices plan of Part VI.A. Wastewaters that have not had contact with seafood are not required to be discharged through the seafood process waste-handling system.
- i. Nuisance discharge. The discharge of seafood processing wastes shall not create an attractive nuisance situation whereby fish or wildlife are attracted to waste disposal or storage areas in a manner that creates a threat to fish or wildlife or to human health and safety.

- j. Residues. A permittee shall not discharge seafood sludge, deposits, debris, scum, floating solids, oily wastes or foam which alone or in combination with other substances:
- (1) make the water unfit or unsafe for use in aquaculture, water supply, recreation, growth and propagation of fish, shellfish, aquatic life and wildlife, or the harvesting and consumption of raw mollusks or other raw aquatic life;
 - (2) cause a leaching of deleterious substances;
 - (3) cause a film, sheen, emulsion or scum on the surface of the water;
 - (4) cause a scum, emulsion, sludge or solid to be deposited on the adjoining shorelines; or
 - (5) cause a scum, emulsion, sludge or solid to be deposited on the bottom.

- k. State-authorized mixing zone [see 18 AAC 70]. The mixing zone for the discharges authorized in Part II of this Permit shall be a cylindrical shape with dimensions described as follows: the horizontal extent determined by a 100-foot radius around the terminus of the outfall, extending vertically up to the sea surface and extending vertically down to the seafloor.

The mixing zone is a volume of water that surrounds the discharge outfall where the effluent plume is diluted by the receiving water and within which the following specific water quality criteria may be exceeded: residues, dissolved gas, oil and grease, fecal coliform, pH, temperature, color, turbidity and total residual chlorine. Discharges shall not violate Alaska Water Quality Standards criteria beyond the 100-foot mixing zone.

- l. State-authorized zone of deposit [see 18 AAC 70]. The ADEC authorizes a zone of deposit of one (1) acre for each facility authorized by this general permit under the classification of near-shore seafood processor in marine waters (includes estuaries and coastal waters).

Discharges shall not violate the Alaska water quality standards criteria for residues beyond the authorized zone of deposit. In no case may water quality standards be violated in the water column outside of the zone of deposit, including leaching from, or suspension of, deposited materials.

- m. Monitoring. A permittee shall monitor its processing and discharges to develop and submit a timely, complete and accurate annual report and to detect and minimize occurrences of noncompliance with the limitations and conditions of this Permit.

2. Best management practices requirements.

During the term of this Permit all permittees shall operate in accordance with a Best Management Practices Plan as described in Part VI.A.

3. Annual reporting requirements.

During the term of this Permit all permittees shall prepare and submit an accurate and timely annual report of noncompliance, production, discharges and process changes as described in Part VI.B.

4. Seafloor monitoring requirements.

During the term of this Permit all permittees classified as near-shore seafood processors and discharging to receiving waters of depths of less than minus 120 feet MLLW at a single location for more than seven (7) days within a year shall conduct a seafloor monitoring program as described in Part VI.C. A "single location" refers to the outfall(s) (past and present) of an on-shore facility or the anchorage of a vessel within a circular area with a radius equal to one-half (0.5) nautical mile.

5. Sea surface and shoreline monitoring requirements.

During the term of this Permit all permittees classified as near-shore seafood processors shall conduct a daily sea surface and a weekly shoreline monitoring program as described below in Part VI.D.

C. Shore-based seafood processors

(a floating or on-shore processor operating and discharging less than one-half (0.5) nautical mile from shore at MLLW)

1. Effluent limitations and requirements

- a. Limit on the amount of seafood processing waste residues. A permittee shall not discharge a volume or weight of seafood processing waste residues on a daily or annual basis which exceeds the amount reported in the permittee's NOI. In no case shall a permittee discharge a wasteload of more than 10 million pounds per calendar year of seafood processing waste residues (*raw, unprocessed product minus finished, processed product*) unless authorized by EPA and ADEC.

A shore-based processor may apply for coverage under this Permit to discharge seafood processing wastes from a shuttle vessel underway at a speed exceeding three knots to an at-sea receiving water that is both (1) more than one nautical mile from shore as delineated at MLLW and (2) in water deeper than minus 120 ft MLLW. In the case of such an application for an additional discharge at-sea, the permittee shall submit an additional NOI

which provides information on the proposed discharge in accordance with the requirements of Part IV of the Permit. In the case of authorization to discharge at-sea, the requirements of Part V.A ("Off-shore Seafood Processors") shall apply to the at-sea discharge. Seafood processing wastes discharged at-sea shall not be counted against the limit of 10 million pounds per calendar year.

A shore-based permittee may request a waiver to discharge under this Permit in excess of the processing waste limit of 10 million pounds per calendar year at one location by submitting a timely and complete request for a waiver in accordance with the following requirements:

- (1) A Notice of Intent to be authorized to discharge under this general NPDES permit in accordance with the requirements of Parts IV.A-C.
- (2) A detailed description of the circumstances in support of the waiver request including alternatives to discharging in excess of the 10 million pounds per calendar year per location.
- (3) A detailed description of the nature, magnitude and duration of the seafood processing operation and its discharges.
- (4) A detailed map showing the facility location, outfall location(s) (including old abandoned outfalls and those in use), receiving water bathymetry and any protected water resources, special habitats or areas listed in Part II of this Permit which are located within three (3) nautical miles of the site or its outfall.
- (5) A description of how and why the discharges do not and will not cause a violation of State water quality standards, including antidegradation, zone of deposit and mixing zone, in the receiving waters [18 ACC 70].
- (6) At least one seafloor survey conducted not longer than one year prior to the date of submittal that gives the areal amount of any previous and current waste deposits and meets the objective in Part VI.C.3.

If a waiver is approved, EPA and ADEC will revoke it by written notice to the permittee if new information is discovered that shows that the discharge is (1) violating State water quality standards or the zone of deposit authorized by ADEC or (2) otherwise degrading waters of the U.S.

A waiver will not be authorized by EPA until after written concurrence by ADEC and after consultation between EPA and other appropriate federal and state government agencies and tribal governments to determine that the proposed discharge will comply with applicable state and federal laws

and regulations, state-approved Coastal Zone Management Plans, and federally-approved tribal Coastal Zone Management Plans.

- b. Collection, conveyance, treatment and limitation of seafood processing wastes. A permittee shall route all seafood processing wastes through a waste conveyance and treatment system. The waste solids discharged from its outfall(s) shall not exceed one-half (0.5) inch in any dimension.
- c. Scupper and floor drain wastes. A permittee shall route all incidental seafood processing waste in scuppers and floor drains through a waste conveyance system to the waste treatment system prior to discharge.
- d. Waste conveyance system. A permittee shall conduct a daily visual inspection of the waste conveyance, including a close observation of the sump or other places of effluent collection for the removal of gloves, earplugs, rubber bands, or other equipment used during the processing of seafood that may inadvertently be entrained in the wastewater. Discharge of such items is prohibited. Logs of this daily inspection must be kept at the facility. Summaries of any items found and removed shall be submitted with the annual report.
- e. Grinder system. A permittee shall conduct a daily inspection of the grinder system during the processing season to confirm that the grinder(s) is (are) (1) operating and (2) reducing the size of the seafood residues to one-half inch or smaller. This will require inspecting the size of the ground residues reduced in grinding. Logs of these daily inspections shall be kept at the facility. Failure of the one-half inch grinding size shall be reported to EPA and ADEC in accordance with Part VII.C and summarized in the annual report.
- f. Outfall system. The permittee shall not discharge from a severed, failed or leaking outfall line ten days past its severance, failure or damage unless such damage has been repaired. The permittee shall have replacement parts available on site and shall make every effort possible to repair a damaged outfall line as soon as possible. Failure of the outfall system is to be reported to EPA and ADEC in accordance with Part VII.C and summarized in the annual report. The permittee shall inform EPA and ADEC at least 60 days in advance of any planned relocation of its outfall as in Part VII.H; relocation of an outfall line does not authorize a new zone of deposit.
- g. Sanitary wastes. A permittee shall route all sanitary wastes through a sanitary waste treatment system. Nonfunctioning and undersized systems are prohibited. Sanitary wastes must be either:
 - (1) Discharged to a shore-based septic system or a municipal wastewater treatment system,

- (2) Treated prior to discharge to meet the secondary treatment limitations for both biochemical oxygen demands (BOD₅) and total suspended solids (TSS), which are 60 mg/l daily maximum, 45 mg/l weekly average, and 30 mg/l monthly average, or
 - (3) If a USCG-licensed vessel, treated prior to discharge by a sanitary waste system that meets the applicable Coast Guard pollution control standards then in effect [33 CFR § 159: "Marine sanitation devices"].
- h. Other wastewaters. A permittee shall not discharge any other wastewaters that contain foam, floating solids, grease or oily wastes which produce a scum or sheen on the water surface, nor wastes that deposit residues which accumulate on the seafloor or shoreline. The incidental foam and scum produced by discharge of seafood catch transfer water must be minimized to the extent practicable as described in the best management practices plan of Part VI.A. Wastewaters that have not had contact with seafood are not required to be discharged through the seafood process waste-handling system.
- i. Nuisance discharge. The discharge of seafood processing wastes shall not create an attractive nuisance situation whereby fish or wildlife are attracted to waste disposal or storage areas in a manner that creates a threat to fish or wildlife or to human health and safety.
- j. Residues. A permittee shall not discharge seafood sludge, deposits, debris, scum, floating solids, oily wastes or foam which alone or in combination with other substances,
 - (1) make the water unfit or unsafe for use in aquaculture, water supply, recreation, growth and propagation of fish, shellfish, aquatic life and wildlife, or the harvesting and consumption of raw mollusks or other raw aquatic life;
 - (2) cause a leaching of deleterious substances;
 - (3) cause a film, sheen, emulsion or scum on the surface of the water;
 - (4) cause a scum, emulsion, sludge or solid to be deposited on the adjoining shorelines; or
 - (5) cause a scum, emulsion, sludge or solid to be deposited on the bottom.
- k. State-authorized mixing zone [see 18 AAC 70]. The mixing zone for the discharges authorized in Part II of this Permit shall be a cylindrical shape with dimensions described as follows: the horizontal extent determined by a 100-foot radius around the terminus of the outfall, extending vertically up to the sea surface and extending vertically down to the seafloor.

The mixing zone is a volume of water that surrounds the discharge outfall where the effluent plume is diluted by the receiving water and within which the following specific water quality criteria may be exceeded: residues, dissolved gas, oil and grease, fecal coliform, pH, temperature, color, turbidity and total residual chlorine. Discharges shall not violate Alaska Water Quality Standards criteria beyond the 100-foot mixing zone.

- I. State-authorized zone of deposit [see 18 AAC 70]. The ADEC authorizes a zone of deposit of one (1) acre for each facility authorized by this general permit under the classification of shore-based seafood processors in marine waters (includes estuaries and coastal waters).

Discharges shall not violate the Alaska water quality standards criteria for residues beyond the authorized zone of deposit. In no case may water quality standards be violated in the water column outside of the zone of deposit, including leaching from, or suspension of, deposited materials.

- m. Discharge pipe location. A permittee discharging to marine and estuarine water shall discharge its wastewaters at a point at least 10 feet below the surface of the receiving water.

An applicant may request a waiver to this condition by providing a description of the circumstances which make this condition onerous and unnecessary to the protection of State water quality standards. The description must include, at a minimum, site-specific information about receiving water topography and currents, the historic effects of past discharges to water quality, shoreline accumulation and local fisheries, and the costs of a modification of the outfall to comply with this permit condition.

- n. Monitoring. A permittee shall monitor its processing and discharges to develop and submit a timely, complete and accurate annual report and to detect and minimize occurrences of noncompliance with the limitations and conditions of this Permit.

2. Best management practices requirements

During the term of this Permit all permittees shall operate in accordance with a Best Management Practices (BMP) Plan as described in Part VI.A.

3. Annual reporting requirements

During the term of this Permit all permittees shall prepare and submit an accurate and timely annual report of noncompliance, production, discharges and process changes as described in Part VI.B.

4. Seafloor monitoring requirements

During the term of this Permit all permittees classified as shore-based seafood processors and discharging to receiving waters of depths of less than 120 ft MLLW at a single location for more than seven (7) days within a year shall conduct a seafloor monitoring program as described in Part VI.C. A "single location" refers to the outfall(s) (past and present) of an on-shore facility or the anchorage of a vessel within a circular area with a radius equal to one-half (0.5) nautical mile.

5. Sea surface and shoreline monitoring requirements

During the term of this Permit all permittees classified as shore-based seafood processors shall conduct a daily sea surface and daily shoreline monitoring program as described below in Part VI.D.

VI. SPECIFIC WASTE MINIMIZATION AND MONITORING REQUIREMENTS

A. Best management practices plan

1. Applicability. During the term of this Permit all permittees shall operate in accordance with a Best Management Practices (BMP) Plan.
2. Implementation. A newly authorized permittee shall develop and implement a BMP Plan within six (6) months of the date of that permittee's authorization to discharge under this Permit. A previously authorized permittee shall review its BMP Plan and resubmit certification with the NOI that the BMP Plan has been reviewed and revised to meet the requirements of this part.
3. Purpose. Through implementation of a BMP Plan a permittee shall prevent or minimize the generation and discharge of wastes and pollutants from the facility to the waters of the United States. Pollution should be prevented or reduced at the source. Potential pollutants should be recycled in an environmentally safe manner whenever feasible. The discharge of pollutants into the environment should be conducted in such a way as to have a minimal environmental impact.
4. Objectives. A permittee shall develop its BMP Plan consistent with the following objectives.
 - a. The number and quantity of pollutants and the toxicity of the effluents that are generated, discharged or potentially discharged from the facility shall be minimized by a permittee to the extent feasible by controlling each discharge or potential pollutant release in the most appropriate manner.
 - b. Evaluations for the control of discharges and potential releases of pollutants shall include the following.
 - (1) Each facility component or system shall be examined for its pollutant minimization opportunities and its potential for causing a release of significant amounts of pollutants to receiving waters due to the failure or

improper operation of equipment. The examination shall include all normal operations, including raw material and product storage areas, in-plant conveyance of product, processing and product handling areas, loading or unloading operations, wastewater treatment areas, sludge and waste disposal areas, and refueling areas.

- (2) Equipment shall be examined for potential failure and any resulting release of pollutants to receiving waters. Provision should be made for emergency measures to be taken in such an event.
 - c. Under the BMP plan and any Standard Operating Procedures (SOPs) included in the plan, the permittee shall ensure the proper operation and maintenance of the facility and the control of the discharge or potential release of pollutants to the receiving water.
5. Requirements. The BMP Plan shall be consistent with the purpose and objectives in Parts VI.B.3-4.
 - a. The BMP plan shall be consistent with the general guidance contained in the publication entitled "Guidance Manual for Developing Best Management Practices," USEPA 1993, or its subsequent revisions.
 - b. The BMP Plan shall be documented in narrative form, shall include any necessary plot plans, drawings or maps, and shall be developed in accordance with good engineering practices. The BMP Plan shall be organized and written with the following structure:
 - (1) Name and location of the facility;
 - (2) Statement of BMP policy;
 - (3) Materials accounting of the inputs, processes and outputs of the facility;
 - (4) Risk identification and assessment of pollutant discharges;
 - (5) Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to,
 - (a) the modification of equipment, facilities, technology, processes and procedures;
 - (b) the improvement in management, inventory control, materials handling or general operational phases of the facility; and
 - (c) to reduce or eliminate any discharge of wastes that have the potential to collect and foul set or drift nets used in subsistence or commercial fisheries in nearby traditional use areas.

- (6) Good housekeeping;
 - (7) Preventative maintenance;
 - (8) Inspections and records; and
 - (9) Employee training.
 - c. The BMP Plan shall include the following provisions concerning its review:
 - (1) Be reviewed by the facility manager and appropriate staff; and
 - (2) Include a statement that the above review has been completed and that the BMP Plan fulfills the requirements set forth in this Permit. The statement shall be certified by the dated signature of the facility manager.
 - d. Documentation. A new permittee shall submit to EPA written certification, signed by a principal officer or a duly appointed representative of the permittee, of the completion and implementation of its BMP Plan within 30 days of its completion. A continuing permittee shall review its BMP Plan and resubmit certification that the BMP Plan has been reviewed and revised-as-needed with its NOI and in no case later than 90 days after the effective date of this Permit. The resubmittal shall describe all changes made to the BMP Plan. Each permittee shall maintain a copy of its BMP Plan at its facility or on-board the vessel and shall make the plan available to EPA or ADEC upon request. All offices of a permittee which are required to maintain a copy of this Permit shall also maintain a copy of the BMP Plan and make it available to EPA and ADEC inspectors upon request.
6. BMP Plan modification. A permittee shall amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants and their release or potential release to the receiving waters. A permittee shall also amend the Plan, as appropriate, when facility operations covered by the BMP Plan change. Any such changes to the BMP Plan shall be consistent with the objectives and specific requirements listed. All changes in the BMP Plan shall be reviewed by the facility manager.
7. Modification for ineffectiveness. At any time, if a BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release and potential release to the receiving waters and/or the specific requirements above, this Permit and/or the BMP Plan shall be subject to modification to incorporate revised BMP requirements.

B. Annual report

1. Applicability. During the term of this Permit all permittees shall prepare and submit a complete, accurate and timely annual report of incidents of noncompliance, production, discharges, and process changes to EPA and ADEC. [See Attachment C for Annual Report form.]
2. Purpose and objectives. The annual report serves to inform the regulatory agencies of the use and potential degradation of public natural resources by facilities discharging pollutants to these receiving waters under this Permit. The permittee shall provide the following information:
 - a. Verification of the permittee's NPDES permit number, facility owner, facility operator, name of the facility or vessel, mailing address, telephone number and facsimile number.
 - b. A summary of periods concerning noncompliance with any of the requirements of this Permit between January 1st through December 31st of the previous year, the reasons for such noncompliance, the steps taken to correct the problem and prevent further occurrences.
 - c. A summary of information of production and discharge during the previous year, including:
 - (1) Dates of operation by month.
 - (2) Type and amount (pounds) of raw product per month.
 - (3) Type and amount (pounds) of finished product per month.
 - (4) Type and amount (pounds) of discharged seafood processing waste residues (raw product minus finished product) per month.
 - (5) Annual number of processing days, amounts of raw products in pounds, amounts of finished products in pounds, amount of seafood processing waste residues (raw product minus finished product) discharged in pounds, and compilation of discharge locations.
 - (6) Location(s) of discharge, including both the name of the receiving water and the latitude and longitude with a precision of at least 15 seconds of a degree (. 0.25 mile). [If a mobile processor is operating and discharging within three miles of shore for a continuous 24-hour period or more, then the operator shall report the date of discharge, name of the receiving water(s), latitude and longitude, and depth of the water column for each day of such discharge.]
 - d. A statement of any changes to a permittee's Notice of Intent to be covered under this Permit (especially process changes, locations and production levels).

- e. A report of all on-site incidents of an injured and dead Steller's eider, including petroleum-related incidents and collision-related incidents. The report should include the nature, time, location and result of the collision and any remedial action taken.
3. Signatory requirements. A permittee shall ensure that the annual report is signed by a principal officer or a duly appointed representative of the permittee.
4. Submittal. A permittee shall submit its annual report by February 14th of the year following each year of operation and discharge under this Permit. A permittee shall submit its original annual report to:

U.S. Environmental Protection Agency Region 10
NPDES Compliance Unit (OW-133)
1200 Sixth Avenue
Seattle, Washington 98101

and, a copy to:

Alaska Department of Environmental Conservation
Attention: Air and Water Quality Division
555 Cordova Street
Anchorage, Alaska 99501

C. Seafloor monitoring requirements

1. Applicability. During the term of this Permit all permittees classified as near-shore and shore-based seafood processors and discharging to receiving waters of depths of less than 120 feet MLLW at a fixed location for more than seven (7) days shall conduct a seafloor monitoring program. A "single location" refers to the outfall(s) (past and present) of an on-shore facility or the anchorage of a vessel within a circular area with a radius equal to one-half (0.5) nautical mile.

Permittees are advised that the use of commercial underwater divers in seafloor monitoring is regulated by the terms and conditions of Occupational Safety and Health Administration directive number STD 1-23.2, which provides specific health and safety requirements for diver-based seafloor monitoring surveys.

[See: 29 CFR §§ 910.401-1910.441, Subpart T -- Commercial Diving Operations and <http://www.osha-slc.gov/SLTC/commercialdiving/index.html> .]

2. Purpose. A permittee shall conduct a seafloor monitoring program to determine compliance with the authorized zone of deposit and Alaska water quality standards for deposited residues on the bottom (seafloor). Alaska Administrative Code Chapter 18 § 70.020 states that "(residues) shall not... cause a sludge, solid or emulsion to be deposited... on the bottom." ADEC has authorized a zone of

deposit of one (1) acre for each near-shore and shore-based facility permitted under this Permit in accordance with 18 AAC 70.

3. Objective. The seafloor monitoring program shall determine the areal extent (in square feet) of the deposit of sludge, solid or emulsion. The survey shall use a deposition which is one-half inch or thicker on the bottom (seafloor) as the minimum detection level. In cases of deposition exceeding three-quarters acre (EPA's threshold for concerned interest), the seafloor monitoring program shall also determine the volume and thickness of the deposited seafood processing waste.
 - a. Monitoring shall provide an accurate and precise calculation of the area of the deposited seafood processing waste from the facility. The report shall provide the area(s), the field measurements and the calculations of area.
 - b. Monitoring shall provide a determination of the outer boundary of the area of the waste deposited on the bottom. All areas of deposited seafood processing waste must be measured and added together to calculate the total area of deposited seafood processing waste. (This will require a transect method capable of measuring lengths greater than 100 meters).
 - c. Monitoring shall provide at least five photos of the area(s) of deposited seafood processing waste in the immediate vicinity of the outfall recorded from a distance of two to three (2-3) feet from the surface of the deposit.
4. Schedule and submittal. All permittees required to survey deposited seafood processing waste shall develop and implement a seafloor monitoring survey no later than December 2001 and shall submit the report with the annual report no later than February 14, 2002.
5. Safety. The permittee and the surveyor shall ensure that the seafloor survey is conducted in accordance with OSHA safety and SCUBA diving rules for diving operations as set forth in 29 CFR 1910, subpart T.
6. Tiered monitoring. The monitoring program shall be tiered in levels of increasing complexity which are determined by the area of the deposited seafood processing waste as assessed in the previous seafloor monitoring survey.

- a. Tier-one survey. A tier-one survey of the area of the discharge wastepile shall be conducted if the permittee has reasonable assurance from previous surveys that the deposited seafood processing waste is less than one-half acre in area (21,780 sq. ft.) and the discharge pipe during the preceding year of operation and discharge has not been relocated, a new production line has not been added, or production since the previous seafloor monitoring survey has not increased by more than 25%. If the survey finds that the deposited waste exceeds one-half acre, then a permittee shall conduct a tier-two survey no later than December 2002.

The tier-one seafloor survey shall be conducted along two transects. The principal transect shall be oriented along the maximum horizontal dimension of each deposited waste ("the length"). The second transect ("the width") shall be perpendicular to the principal transect and shall cross it at the point where the deposited waste is widest in that direction. The survey shall record and report the measurements of the distances of each transect to the end of the observable deposited waste. This method shall be used in each area or pile of seafood processing waste deposited on the bottom and all measurements shall be added together to calculate the total area of deposit.

Figure 1. Monitoring Approach to a Tier-One Seafloor Survey.

(Tier 1 Figure)

- b. Tier-two survey. If a permittee has concluded from previous seafloor monitoring surveys that its deposited seafood processing waste is greater than one-half of an acre in area (21,780 sq. ft.) and less than three quarters of an acre in area (32,670 sq. ft.), then a permittee shall conduct a tier-two survey of the area of its discharge of deposited waste prior to December 2001. If the survey finds that the deposited waste exceeds three quarters of an acre, then a permittee shall conduct tier-three survey immediately but no later than June 2002.

The tier-two seafloor survey shall be conducted along four transects. The principal transect shall be oriented along the maximum horizontal dimension of the deposited waste ("the length"). The second transect ("the width") shall be perpendicular to the principal transect and shall cross it at the point where the deposited waste is widest in that direction. The remaining two transects shall pass through the point where the first two transects intersect and shall be at 45 degree angles to the first two transects. The survey shall record and report the measurements of the distances of each transect to the end of the observable deposited waste. This method shall be used in each area or pile of seafood processing waste deposited on the bottom and all measurements shall be added together to calculate the total area of deposit.

Figure 2. Monitoring Approach to a Tier-Two Seafloor Survey.

(Tier 2 Figure)

- c. Tier-three survey. If a permittee has determined from its seafloor monitoring program that its deposited seafood processing waste is equal to or greater than three quarters of an acre in area (32,670 sq. ft.), then a permittee shall conduct a tier-three survey of the area of its deposited waste each year of this Permit or until the deposited waste is less than three quarters of an acre in area.

The tier-three seafloor survey shall be conducted along four transects. The principal transect shall be oriented along the maximum horizontal dimension of the deposited waste ("the length"). The second transect ("the width") shall be perpendicular to the principal transect and shall cross it at the point where the deposited waste is widest in that direction. The remaining two transects shall pass through the point where the first two transects intersect and shall be at 45 degree angles to the first two transects. The survey shall include measurements of the distances from the point where the transects intersect to the end of the observable waste. The survey shall also include measurements of the thickness of each waste deposit at the point where the transects intersect and at the eight points that are half way between the intersection point and the end each transect. This method shall be used in each area or pile of seafood processing waste deposited on the bottom and all measurements shall be added together to calculate the total area of deposit.

Figure 3. Monitoring Approach to a Tier-Three Seafloor Survey.

(Tier Figure 3)

7. Monitoring report. A permittee shall submit a report of the seafloor monitoring survey which describes the methods and results of the survey. The report shall include the seafloor survey form. [See Attachment D for seafloor survey form.]
- a. Methods. A description of the methods including at least the name, address and phone number of the surveyor, the date of the survey, and the observational method and equipment used in the survey.
 - b. Results. The report shall include the facility's name and NPDES permit number, the date(s) and times of the survey, the latitude, longitude and location relative to shore markers of the outfall terminus, and the name(s) and phone number(s) of the diver(s). The report shall include a description of the outfall pipe condition, an indication of an active or inactive discharge occurring during the time(s) of the survey, current directions and speeds, observations and photographs of waste residue size in the deposit within 10 ft of the outfall, waste residue distribution pattern, and the type and amount of marine life observed as present on the waste residue deposit or the area surrounding the waste residue deposit. The survey report shall include at least the required dimensions and area of the waste residue deposit(s) in square feet and a map of the configuration of each waste deposit in relation to both the outfall and the bathymetry of the seafloor.
 - c. Area. The area of the deposited waste may be calculated by treating each separate waste deposit as the sum of the areas of two parabolas which are joined at a common base (the "width") and which have heights that together equal the "length" of the waste deposit. The calculation of the area of each waste deposit is provided by the equation:

$$\text{Area} = (\text{maximum width} \times \text{maximum length}) \times (0.67)$$

A permittee shall submit a report of the seafloor survey to EPA and ADEC no later than February 14th of the year following the survey, in conjunction with the Annual Report.

8. Signatory requirements. A permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee.
9. Modification of monitoring program. The monitoring program may be modified if EPA and ADEC determine that it is appropriate. A modification may be requested by a permittee. The modified program may include changes in survey (1) stations, (2) times, (3) parameters or (4) methods.
10. Request for a waiver. A permittee may request a waiver of the seafloor monitoring requirements. A request for a waiver must provide a detailed description of the circumstances supporting a waiver of monitoring and a demonstration that the discharge meets the Alaska water quality standard for residues that deposit on the bottom.

11. Requirement to apply for an individual permit. EPA, in consultation with ADEC, may require a permittee to apply for an individual NPDES permit if the seafloor monitoring program indicates a probable violation of the Alaska water quality standards for residues in marine waters. EPA has selected three quarters of an acre of deposition from seafood processing waste residues as a threshold for concerned interest which may require a permittee to apply for an individual NPDES permit.

D. Sea surface and shoreline monitoring requirements

1. Applicability. During the term of this Permit all permittees classified as near-shore or shore-based seafood processors (discharging within one (1) nautical mile of shore at MLLW) shall conduct a sea surface and shoreline monitoring program.
2. Purpose. A permittee shall conduct a sea surface and shoreline monitoring program to determine compliance with the authorized mixing zone and Alaska water quality standards for residues in marine waters. Alaska Administrative Code Part 18 § 70.020 states that "(floating solids, debris, foam and scum) shall not... cause a film, sheen or discoloration on the surface of the water... or cause a sludge, solid or emulsion to be deposited... upon adjoining shorelines." ADEC has authorized a mixing zone of 100-foot radius around the end of its seafood processing discharge outfall for each facility permitted under this Permit in accordance with 18 AAC 70.

A permittee shall also conduct its sea surface monitoring program to identify and determine the numbers of species listed as threatened or endangered under the Endangered Species Act which occur in the vicinity of the effluent plume. [See Appendix D for ESA-listed species, descriptions and pictures.]

3. Objectives.
 - a. Monitoring the sea surface will provide daily assessments of the presence and amounts of residues floating on the sea surface during a near-shore or shore-based facility's operation and discharge.
 - (1) This monitoring program will inform the permittee of its compliance with the Permit limit for residues on the sea surface and provide a timely basis for correcting violations when they occur.
 - (2) The daily monitoring of the sea surface shall record the total number of days for which observations were made and, for each day of observation, the daily incidence of occurrence and estimate any areal extent of contiguous films, sheens or mats of foam within 100-foot radius of the end of the processing waste outfall(s) and, in the case of shore-based facilities, within 100 feet of the seaward physical boundary of the facility (e.g., docks and piers).

- (3) The sea surface monitoring shall enumerate the occurrence and numbers of animals identified as Steller's sea lion (*Eumetopias jubatus*), Steller's eider (*Polysticta stelleri*), spectacled eider (*Somateria fisheri*), or short-tailed albatross (*Phoebastria albatrus*) within the survey area. [See Appendix D.]
 - (4) The sea surface and shoreline monitoring shall observe and record incidents of injured or dead Steller's eiders in the survey area around the facility, the adjacent shore, and the adjacent receiving water. Monitoring of Steller's eiders will include recording the numbers of injured or dead eiders and their probable cause of their injury or death, including collisions with facility structures (e.g., buildings, lights, poles, power lines, guy wires, vessels, docks and towers). Dead eiders' shall be recovered and kept frozen until they can be transferred to FWS according to the dead and injured eider handling protocol. Any collisions, or suspected collisions between Steller's eiders and processing facilities shall be immediately reported to FWS Anchorage Field Office (1-800-272-4147).
 - b. Monitoring the shoreline will provide periodic assessments of the presence and amounts of residues deposited upon the shore during a facility's operation and discharge.
 - (1) This monitoring program will inform the permittee of its compliance with the Permit limit for residues on the shoreline and provide a timely basis for correcting violations when they occur.
 - (2) The monitoring of the shoreline shall record the total number of days for which observations were made and, for each day of observation, the incidence of occurrence and estimated areal extent of any deposits of seafood waste sludge, solids or emulsions upon the shoreline adjacent to and within 300 ft of the facility and its outfall.
4. Schedule. A near-shore or shore-based permittee shall conduct a sea surface and shoreline monitoring program during each year of coverage under the permit in accordance with the frequency of observations required above in Parts V.A-C.
5. Monitoring reporting. A permittee shall submit a brief report of the monitoring survey which describes the methods and results of the survey. The description of the methods shall include at least the name, address and phone number of the surveyor(s), the observational method and equipment used in the survey, and the point(s) of observation. The report of positive observations shall include the date and time of observation, an estimate of any area of scum, sheen, film or foam on the sea surface, and/or any area of sludge, solids, emulsion or scum deposited on the shoreline.

A permittee shall submit the report to EPA and ADEC no later than February 14th of the year following the survey. It is recommended that this report be submitted with the annual report of production and effluent monitoring.

A permittee shall report noncompliance with the Permit limit on residues to EPA by telephone (206-553-1846) and to ADEC (907-269-7523 within 24 hours from the time a permittee becomes aware any such violation.

6. Signatory requirements. A permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee.
7. Modification of monitoring program. The monitoring program may be modified if EPA and ADEC determine that it is appropriate. A modification may be requested by a permittee. The modified program may include changes in survey (1) stations, (2) times or (3) parameters.
8. Request for a waiver. A permittee may request a waiver of the sea surface and shoreline monitoring requirements. A request for a waiver must provide a detailed description of the circumstances supporting a waiver of monitoring and a demonstration that the discharge meets the Alaska water quality standard for residues. Individual monitoring days may be waived due to conditions (e.g., weather or sea state) which make this monitoring hazardous to human health and safety.
9. Requirement to apply for an individual permit. EPA, in consultation with ADEC, may require a permittee to apply for an individual NPDES permit if the sea surface and shoreline monitoring program indicates a probable violation of the Alaska water quality standards for residues.

VII. RECORDING AND REPORTING REQUIREMENTS

A. Records contents. All effluent monitoring records shall bear the hand-written signature of the person who prepared them. In addition, all records of monitoring information shall include:

1. Date, exact place and time of sampling or measurements,
2. Names of the individual(s) who performed the sampling or measurements,
3. Date(s) analyses were performed,
4. Names of the individual(s) who performed the analyses,
5. Analytical techniques or methods used, and
6. Results of such analyses.

B. Retention of records. A permittee shall retain records of all monitoring information, including but not limited to, all calibration and maintenance records, copies of all reports required by this Permit, a copy of this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this Permit, whichever is longer. This period may be extended by request of EPA or ADEC at any time.

C. Twenty-four hour notice of noncompliance reporting.

1. A permittee shall report the following occurrences of noncompliance to EPA by telephone (206-553-1846) and to ADEC (907-269-7523) within 24 hours from the time a permittee becomes aware of the circumstances:
 - a. any discharge(s) to the receiving waters not authorized for coverage under this Permit including, but not limited to, waters described in Part III, listed in Appendices A or B, or depicted in Appendix C;
 - b. any noncompliance that may endanger health or the environment;
 - c. any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this Permit;
 - d. any upset that results in or contributes to an exceedance of any effluent limitation in this Permit; or
 - e. any violation of a maximum daily discharge limitation for any of the pollutants listed in this Permit.
2. A permittee shall also provide a written submission within five days of the time that a permittee becomes aware of any event required to be reported under subpart 1 above. The written submission shall contain:
 - a. a description of the noncompliance and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
3. EPA may, at its sole discretion, waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports shall be submitted to the addresses in Part VI.B of this Permit.

- D. Other noncompliance reporting.** A permittee shall report all instances of noncompliance, not required to be reported within 24 hours, with the annual report.

VIII. COMPLIANCE RESPONSIBILITIES

- A. Duty to comply.** A permittee shall comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

B. Penalties for violations of permit conditions.

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$27,500 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).
3. **Criminal Penalties:**
 - a. **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or

subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

- b. **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
 - c. **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
 - d. **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- C. Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.
- D. Duty to mitigate.** A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper operation and maintenance. A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by a permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this Permit.

F. Bypass of treatment facilities.

1. Bypass not exceeding limitations. A permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a. Anticipated bypass. If a permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. A permittee shall submit notice of an unanticipated bypass as required under Part VII.F ("Twenty-four hour notice of noncompliance reporting").
3. Prohibition of bypass.
 - a. Bypass is prohibited and EPA or ADEC may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment shall have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) A permittee submitted notices as required under paragraph 2 of this Part.
 - b. EPA and ADEC may approve an anticipated bypass, after considering its adverse effects, if EPA and ADEC determine that it will meet the three conditions listed above in paragraph 3.a of this Part.

G. Upset conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if a permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, a permittee shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that a permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. A permittee submitted notice of the upset as required under Part VII.F ("Twenty-four hour notice of noncompliance reporting) and
 - d. A permittee complied with any remedial measures required under Part VIII.D ("Duty to Mitigate").
3. Burden of proof. In any enforcement proceeding, a permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Planned changes. A permittee shall give notice to EPA and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR § 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Permit.

A permittee shall give notice to EPA and ADEC as soon as possible of any planned changes in process or chemical use whenever such change could significantly change the nature or increase the quantity of pollutants discharged.

I. Anticipated noncompliance. A permittee shall also give advance notice to EPA and ADEC of any planned changes in the permitted facility or activity that may result in noncompliance with this Permit.

IX. GENERAL PROVISIONS

- A. Permit actions.** This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- B. Duty to reapply.** If a permittee intends to continue an activity regulated by this Permit after the expiration date of this Permit, a permittee must apply for and obtain a new permit. The application shall be submitted to EPA at least 60 days before the expiration date of this Permit. Receipt of a timely Notice of Intent will administratively extend authorization to discharge until a new permit is reissued.
- C. Duty to provide information.** A permittee shall furnish to EPA and ADEC, within the time specified in the request, any information that EPA or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. A permittee shall also furnish to EPA or ADEC, upon request, copies of records required to be kept by this Permit.
- D. Incorrect information and omissions.** When a permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or ADEC, it shall promptly submit the omitted facts or corrected information.
- E. Signatory requirements.** All applications, reports or information submitted to EPA and ADEC shall be signed and certified.
1. All permit applications shall be signed as follows:
 - a. For a corporation: by a principal corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, tribe, federal or other public agency: by either a principal executive officer or ranking elected official.
 2. All reports required by this Permit and other information requested by EPA or ADEC shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to EPA and ADEC, and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, position of equivalent

responsibility, or an individual or position having overall responsibility for environmental matters for the permittee. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under subpart 2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subpart 2 must be submitted to EPA and ADEC prior to or together with any reports, information or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Availability of reports. Except for data determined to be confidential under 40 CFR § 2, all reports prepared in accordance with this Permit shall be available for public inspection at the offices of the state water pollution control agency and EPA and ADEC. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

G. Inspection and entry. A permittee shall allow EPA, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon a permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

- H. Oil and hazardous substance liability.** Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve a permittee from any responsibilities, liabilities or penalties to which a permittee is or may be subject under Section 311 of the Clean Water Act or under the Oil Pollution Act.
- I. Property rights.** The issuance of this Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- J. Severability.** The provisions of this Permit are severable. If any provision of this Permit or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit, shall not be affected thereby.
- K. Transfers.** This Permit may be automatically transferred to a new permittee if:
1. The current permittee notifies EPA at least 60 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and
 3. EPA does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.
- If the notice described in subpart 3 above is not received, the transfer is effective on the date specified in the agreement mentioned in subpart 2 above.
- L. State laws.** Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve a permittee from any responsibilities, liabilities or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- M. Re-opener clause.**
1. This Permit shall be modified or, alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Act, as amended, if the effluent standard, limitation or requirement so issued or approved:
 - a. Contains different conditions or is otherwise more stringent than any condition in this Permit; or
 - b. Controls any pollutant or disposal method not addressed in this Permit.

This Permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

2. This Permit may be reopened to adjust any effluent limitations if future water quality studies, waste load allocation determinations, or changes in water quality standards show the need for different requirements.

X. DEFINITIONS and ACRONYMS

AAC means Alaska Administrative Code.

ADEC means Alaska Department of Environmental Conservation.

ADFG means Alaska Department of Fish and Game.

ADGC means State of Alaska, Division of Governmental Coordination.

At-sea means a receiving water that is both (1) more than one nautical mile from shore and (2) in water deeper than minus 120 ft MLLW.

BMP means best management practices.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. [See Part IV.G.]

CFR means the Code of Federal Regulations.

Cooling water means once-through non-contact cooling water.

CWA means the Clean Water Act.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Discharge of a pollutant means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source".

Domestic wastes means materials discharged from showers, sinks, safety showers, eye-wash stations, hand-wash stations, fish-cleaning stations, galleys and laundries.

EPA means the United States Environmental Protection Agency.

Excluded area means an area not authorized as a receiving water covered under this general NPDES permit, as described in Part III.A-D, listed in Appendix A or B, or depicted in Appendix C.

Garbage means all kinds of victual, domestic and operational waste, excluding fresh fish and part thereof, generated during normal operation and liable to be disposed of continuously or periodically except dishwater, gray water and those substances that are defined or listed in other Annexes to MARPOL 73/78.

Gray water means galley, bath and shower wastewater.

Living substrate means intertidal and seafloor communities of benthic plants (e.g., macroalgae and kelp) and animals (e.g., mussels, tube-building polychaete worms, and erect bryozoans) in dense aggregations. The Habitat Conservation Division of NMFS may be contacted at 907-271-5006 (Anchorage) or 907-586-7235 (Juneau) for further guidance on and the known locations of living substrates and other Habitat Areas of Particular Concern listed under the Essential Fish Habitat section of the Magnuson Fishery Conservation and Management Act.

Marine sanitation device includes any equipment for installation on board a vessel which is designed to receive, retain, treat or discharge sewage, or any process to treat such sewage.

Maximum means the highest measured discharge or pollutant in a waste stream during the time period of interest.

MLLW means mean lower low water.

mg/l means milligrams per liter.

Mince means finely chopped seafood, particularly fish.

Mixing zone means the area adjacent to a discharge or activity in the water where a receiving water may not meet all the water quality standards; wastes and water are given an area to mix so that the water quality standards are met at the mixing zone boundaries.

Monthly average means the average of *daily discharges* over a monitoring month, calculated as the sum of all *daily discharges* measured during a monitoring month divided by the number of *daily discharges* measured during that month.

MSD means marine sanitation device.

NMFS means United States National Marine Fisheries Service.

NOI means a "Notice of Intent," that is, an application, to be authorized to discharge under a general NPDES permit. [See Attachment B for NOI form.]

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. In the case of seafood processing wastes discharged in remote locations of Alaska, EPA Region 10 has determined that the calcareous shells of scallops, clams, oysters and abalones and the calcareous tests of sea urchins are not pollutants which must be ground to one-half inch prior to discharge.

Pollution means the man-made or man induced alteration of the chemical, physical, biological or radiological integrity of the water.

Prohibited (catch) species means those species identified in 50 CFR § 679.21(b)(1), including salmon, herring, crab and halibut, that are prohibited to be retained by groundfish trawl fishing vessels. Any such species inadvertently taken in connection with groundfish fishing operations are required to be sorted and all prohibited (catch) species or parts thereof are to returned to the sea immediately, with a minimum of injury [50 CFR § 679.21(b)(ii)].

Sanitary wastes means human body waste discharged from toilets and urinals.

Seafood means the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

Seafood process waste means the waste fluids (including stickwater), organs, flesh, bones and chitinous shells produced in the conversion of aquatic animals from a raw form to a marketable form.

Seafood process waste residue means the floating solids, debris, sludge, deposits, foam, and scum produced in the processing of raw seafood to finished product.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

Single location means either the outfall(s) (past and present) of an on-shore facility or a circular anchorage area of radius equal to or less than one-half (0.5) nautical mile of a vessel.

Unwashed mince means minced fish which is neither washed nor dewatered and is frozen into blocks.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [See Part IV.H.]

U.S.C.A. means United States Code Annotated.

USFWS means United States Fish and Wildlife Service.

Washed mince means minced fish which is washed, dewatered and frozen into blocks. "Surimi" is included in this classification.

Water depth means the depth of the water between the surface and the seafloor as measured at mean lower low water (0.0).

Zone of deposit (ZOD) means the total area of the bottom in marine or estuarine waters in which the Alaska Department of Environmental Conservation has authorized the deposit of substances in exceedance of the water quality criteria of 18 AAC 70.020(b) and the antidegradation requirement of 18 AAC 70.015.

APPENDIX A

**ALPHABETICAL LISTING OF RECEIVING WATERS EXCLUDED
FROM COVERAGE UNDER GENERAL PERMIT AK-G52-0000**

Code to Acronyms used for Status: NM = national monuments, NM&p = national monuments and preserves, NP = national parks, Np = national preserves, NP&p = national parks and preserves, NWA = national wilderness area, NWR = national wildlife refuges, SBN = seabird nesting areas, SCHA = state critical habitat areas, SECH = Steller's eider critical habitat, SGR = state game refuge, SGS = state game sanctuary, SSCH = Steller sea lion critical habitat, W&SR = wild and scenic river, WQ-ar = water quality at-risk, WQ-lim = water quality limited

<u>Receiving Waters</u>	<u>Location</u>	<u>Status</u>	<u>Excluded Area</u>
Admiralty Island, rivers and coastal waters	Admiralty Island, SE Alaska	NM	Admiralty Island Nat'l Monument
Akutan Harbor, west of 165°46'00"W	Akutan Island	WQ-lim	Akutan Harbor, west
Alagnak River	Nushagak-Bristol Bay lowland	W&SR	Alagnak River W&SR
Alatna River	Central Brooks Mountains Range	W&SR	Alatna River W&SR
Aleutian Islands, coastal waters	Bering Sea and north Gulf of Alaska	NWR	Alaska Maritime NWR
Alinchak Bay	Alaska Peninsula	NWR	Alaska Peninsula NWR
Alitak Bay	Kodiak Island	NWR	Kodiak NWR
Amber Bay	South-central Alaska Peninsula	NM&p	Aniakchak Nat'l Monument/Preserve
Anchor River	East of the City of Anchor Point	SCHA	Anchor River-Fritz Creek SCHA
Aniakchak Bay	South-central Alaska Peninsula	NM&p	Aniakchak Nat'l Monument/Preserve
Aniakchak River	Aleutian Mountains Range	W&SR	Aniakchak River W&SR
Baird Inlet	West Alaska	NWR	Yukon Delta NWR
Ban Bay	Afognak Island	NWR	Kodiak NWR
Baranof	Tongass Nat'l Forest, SE Alaska	NWA	South Baranof NWA
Big River wetlands, north Redoubt Bay	West of the City of Nikiski	SCHA	Redoubt Bay SCHA
Captains Bay	Unalaska Island	WQ-lim	Captains Bay
Chagvan Bay	South of the City of Good News	SGR	Cape Newenham SGR
Chagvan Bay	South of City of Good News	NWR	Togiak NWR
Charley River	Yukon-Tanana uplands	W&SR	Charley River W&SR
Chichagof-Yakobi	Tongass Nat'l Forest, SE Alaska	NWA	West Chichagof-Yakobi NWA
Chilikadrotna River	Central Brooks Mountains Range	W&SR	Chilikadrotna River W&SR
Chilkat River wetlands	Adjacent Klukwan, north of City of Haines	SCHA	Chilkat River SCHA
Chiratna Bay	North coast of Cook Inlet	NP&p	Lake Clark Nat'l Park/Preserve
Chuck River	Tongass Nat'l Forest, SE Alaska	NWA	Chuck River NWA
Cinder River delta and tidal flats	SW of the City of Pilot Point	SCHA	Cinder River SCHA

Cold Bay, outer	Alaska Peninsula	NWR	Alaska Peninsula NWR
Cold Bay, inner	SW terminus of Alaska Peninsula	NWR	Izembek NWR
Cook Inlet shoreline near Kasilof	South of the City of Kasilof to Happy Valley	SCHA	Clam Gulch SCHA
Copper River delta	SE of the City of Cordova	SCHA	Copper River Delta SCHA
Corner Bay			
Coronation Island	Tongass Nat'l Forest, SE Alaska	NWA	Coronation Island NWA
Cross Sound	North Alexander Archipelago	NP&p	Glacier Bay Nat'l Park/Preserve
Cube Cove			
Dixon Harbor	North Alexander Archipelago	NP&p	Glacier Bay Nat'l Park/Preserve
Dude Creek off Icy Passage	West of the City of Gustavus	SCHA	Dude Creek SCHA
Egegik Bay, southwest	West of the City of Egegik	SCHA	Egegik SCHA
Endicott River	Tongass Nat'l Forest, SE Alaska	NWA	Endicott River NWA
Etolin	Tongass Nat'l Forest, SE Alaska	NWA	South Etolin NWA
Fox River delta at head of Kachemak Bay	NE of the City of Homer	SCHA	Fox River Flats SCHA
Fritz Cove	City of Juneau	SGR	Mendenhall Wetlands SGR
Fritz Creek	East of the City of Anchor Point	SCHA	Anchor River-Fritz Creek SCHA
Gibson Cove	City of Kodiak	WQ-ar	Gibson Cove
Glacier Bay	North Alexander Archipelago	NP&p	Glacier Bay Nat'l Park/Preserve
Goose Bay	North of the City of Anchorage	SGR	Goose Bay SGR
Hagemeister Strait	Adjacent to City of Togiak	NWR	Togiak NWR
Hallow Bay	South base of Alaska Peninsula	NP&p	Katmai Nat'l Park/Preserve
Hamilton Bay			
Hazen Bay	West Alaska	NWR	Yukon Delta NWR
Herendeen Bay, south	Alaska Peninsula	NWR	Alaska Peninsula NWR
Herring Bay	City of Sitka	WQ-lim	Herring Bay
Hobart Bay			
Hooper Bay	West Alaska	NWR	Yukon Delta NWR
Icy Bay, north	NW of the City of Yakutat	NP&p	Wrangell-St. Elias Nat'l P&p
Isabella River wetlands	City of Fairbanks	SGR	Creamer's Field SGR
Izembek Lagoon	NW terminus of the Alaska Peninsula	SGR	Izembek SGR
Izembek Lagoon	NW terminus of the Alaska Peninsula	NWR	Izembek NWR
Jacksmith Bay	Quinhagak	NWR	Togiak NWR
Jamestown Bay	Near Cannon Island	WQ-lim	Jamestown Bay
John River	Central Brooks Mountains Range	W&SR	John River W&SR
Kachemak Bay	Adjacent to Cities of Homer and Seldovia	SCHA	Kachemak Bay SCHA
Kaliakh River delta	West of Cape Yakataga	SGR	Yakataga SGR
Kamishak Bay	South base of Alaska Peninsula	NP&p	Katmai Nat'l Park/Preserve

Kamishak Bay, inner tidal flats	SE base of the Alaska Peninsula	SGR	McNeil River SGR
Kangirvar Bay	West Alaska	NWR	Yukon Delta NWR
Karta	Tongass Nat'l Forest, SE Alaska	NWA	Karta NWA
Katmai Bay	South base of Alaska Peninsula	NP&p	Katmai Nat'l Park/Preserve
Kazakof Bay			
Kiliuda Bay	Kodiak Island	NWR	Kodiak NWR
Kinak Bay	South base of Alaska Peninsula	NP&p	Katmai Nat'l Park/Preserve
King Cove	City of King Cove	WQ-lim	King Cove
Knik River tidal flats	NE of the City of Anchorage	SGR	Palmer Hay Flats SGR
Knik Shoal	City of Anchorage	SGR	Anchorage Coastal Area SGR
Kobuk River	Central Brooks Mountains Range	W&SR	Kobuk River W&SR
Kokechik Bay	West Alaska	NWR	Yukon Delta NWR
Kootznoowoo	Tongass Nat'l Forest, SE Alaska	NWA	Kootznoowoo NWA
Koyukuk River, north fork	Eastern Brooks Mountains Range	W&SR	North Fork Koyukuk River W&SR
Kuiu	Tongass Nat'l Forest, SE Alaska	NWA	Kuiu NWA
Kukak Bay,	South base of Alaska Peninsula	NP&p	Katmai Nat'l Park/Preserve
Kulukak Bay	East of City of Twin Hills	NWR	Togiak NWR
Kupreanof Strait	Afognak Island	NWR	Kodiak NWR
Kuskokwin River delta	West Alaska	NWR	Yukon Delta NWR
Kuskokwin Bay, southern	South of the City of Good News	SGR	Cape Newenham SGR
Little Kamishak River, lower	East base of the Alaska Peninsula	SGS	McNeil River SGS
Lituya Bay	SE Alaska	NP&p	Glacier Bay Nat'l Park/Preserve
Lost Harbor	Akun Island, east Aleutian Islands	WQ-ar	Lost Harbor
Maurelle Islands	Tongass Nat'l Forest, SE Alaska	NWA	Maurelle Islands NWA
McNeil River, lower	East base of the Alaska Peninsula	SGS	McNeil River SGS
Misty Fiords	Tongass Nat'l Forest, SE Alaska	NWA	Misty Fiords NWA
Misty Fjords	Tongass Nat'l Forest, SE Alaska	NM	Misty Fjords Nat'l Monument
Mulchatna River	Alaska Mountains Range	W&SR	Mulchatna River W&SR
Nelson Lagoon	City of Port Moller	SCHA	Port Moller SCHA
Noatak River	Eastern Brooks Mountains Range	W&SR	Noatak River W&SR
Nuka Bay	South Kenai Peninsula	Np	Kenai Fjords Nat'l Preserve
Nushagak Bay, west	West of City of Clarks Point	NWR	Togiak NWR
NW Gastineau Channel	City of Juneau	SGR	Mendenhall Wetlands SGR
Ocean Bay	Kodiak Island	NWR	Kodiak NWR
Olga Bay	Kodiak Island	NWR	Kodiak NWR
Pack Creek, lower, off north Windfall Harbor	E Admiralty Is., SE Alaska	SGS	Stan Price SGS
Paint River	SE base of the Alaska Peninsula	SGR	McNeil River SGR

Paint River, lower	East base of the Alaska Peninsula	SGS	McNeil River SGS
Palma Bay	SE Alaska	NP&p	Glacier Bay Nat'l Park/Preserve
Petersburg Creek	Tongass Nat'l Forest, SE Alaska	NWA	Petersburg Creek NWA
Pleasant Islands	Tongass Nat'l Forest, SE Alaska	NWA	Pleasant Islands NWA
Point HcCartney			
Popof Strait	City of Sand Point	WQ-lim	Popof Strait
Port Moller, south	Alaska Peninsula	NWR	Alaska Peninsula NWR
Port Moller	City of Port Moller	SCHA	Port Moller SCHA
Port Heiden	North-central Alaska Peninsula	SCHA	Port Heiden SCHA
Pribilof Islands, coastal waters	Bering Sea	NWR	Alaska Maritime NWR
Prince of Wales	Tongass Nat'l Forest, SE Alaska	NWA	South Prince of Wales NWA
Rowan Bay	Kuru Island	WQ-lim	Rowan Bay
Russell Fiord	Tongass Nat'l Forest, SE Alaska	NWA	Russell Fiord NWA
Saginaw Bay			
Salmon River	Baird Mountains	W&SR	Salmon River W&SR
Salt Lake Bay			
Scammon Bay	West Alaska	NWR	Yukon Delta NWR
Schulze Cove			
Security Cove	South of City of Platinum	NWR	Togiak NWR
Silver Bay	City of Sitka	WQ-lim	Silver Bay
Sitkalidak Strait	Kodiak Island	NWR	Kodiak NWR
Sitkinak Bay	Trinity Islands	NWR	Kodiak NWR
Skilak Lake	NW Kenai Peninsula	NWR	Kenai NWR
Stikine-LeConte	Tongass Nat'l Forest, SE Alaska	NWA	Stikine-LeConte NWA
Susitna River tidal flats	West of the City of Anchorage	SGR	Susitna Flats SGR
Swamp Creek wetlands in Cook Inlet	SW Kalgin Island	SCHA	Kalgin Island SCHA
Tanana River wetlands	West of the City of Fairbanks	SGR	Minto Flats SGR
Tebenkof Bay	Tongass Nat'l Forest, SE Alaska	NWA	Tebenkof Bay NWA
Thorne Bay	Prince of Wales Island	WQ-lim	Thorne Bay
Tinayguk River	Central-eastern Brooks Mountains Range	W&SR	Tinayguk River W&SR
Tlikakila River	Southern Alaska Mountains Range	W&SR	Tlikakila River W&SR
Togiak Bay, mouth of	Walrus Islands and Summit Island	SGS	Walrus Islands SGS
Togiak Bay	Adjacent to City of Togiak	NWR	Togiak NWR
Tolstoi Bay			
Tracy Arms	Tongass Nat'l Forest, SE Alaska	NWA	Tracy Arm-Fords Terror NWA
Trading Bay	SW of the City of Anchorage	SGR	Trading Bay SGR
Tugidak Island coastal water	Tugidak Island, southwest of Kodiak Island	SCHA	Tugidak Island SCHA

Tugidak Bay	Trinity Islands	NWR	Kodiak NWR
Turnagain Arm, south shore	NW Kenai Peninsula	NWR	Kenai NWR
Turnagain Arm tidal flats, northern	City of Anchorage	SGR	Anchorage Coastal Area SGR
Tustumena Lake	NW Kenai Peninsula	NWR	Kenai NWR
Tuxedni Bay	North coast of Cook Inlet	NP&p	Lake Clark Nat'l Park/Preserve
Two Arm Bay	South Kenai Peninsula	Np	Kenai Fjords Nat'l Preserve
Twelve Mile Arm			
Udagak Bay	Unalaska Island	WQ-lim	Udagak Bay
Uganik Bay	Kodiak Island	NWR	Kodiak NWR
Ugashik Bay	West of the City of Pilot Point	SCHA	Pilot Point SCHA
Unalaska Bay, south	Unalaska Island	WQ-lim	Unalaska Bay, south
Uyak Bay	Kodiak Island	NWR	Kodiak NWR
Ward Cove	City of Ketchikan	WQ-lim	Ward Cove
Warren Island	Tongass Nat'l Forest, SE Alaska	NWA	Warren Island NWA
West Port Fredrick			
Willow Creek tributaries	NW of the City of Palmer	SCHA	Willow Mountain
Yakutat Bay, west	NW of the City of Yakutat	NP&p	Wrangell-St. Elias Nat'l P&p
Yukon River delta	West Alaska	NWR	Yukon Delta NWR

APPENDIX B

**CATEGORICAL LISTING OF AREAS EXCLUDED
FROM COVERAGE UNDER GENERAL PERMIT AK-G52-0000**

<u>Excluded Area</u>	<u>Receiving Waters</u>	<u>Location</u>
STATE GAME REFUGES (SGR; <u>see</u> Appendix C, Figure 1)		
Anchorage Coastal SGR	Knik Arm, Turnagain Arm; N Cook Inlet	City of Anchorage
Cape Newenham SGR	Chagvan Bay; S Kuskokwin Bay	South of the City of Good News
Creamer's Field SGR	Isabella River wetlands	City of Fairbanks
Goose Bay SGR	Goose Bay, Knik Arm; N Cook Inlet	North of the City of Anchorage
Izembek SGR	Isembek Lagoon; SE Bristol Bay	NW terminus of the Alaska Peninsula
McNeil River SGR	Paint River and Kamishak Bay	SE base of the Alaska Peninsula
Mendenhall Wetlands SGR	NW Gastineau Channel	City of Juneau
Minto Flats SGR	Tanana River wetlands	West of the City of Fairbanks
Palmer Hay Flats SGR	Knik Arm; N Cook Inlet	NE of the City of Anchorage
Susitna Flats SGR	N Cook Inlet	West of the City of Anchorage
Trading Bay SGR	Gompertz Channel, Trading Bay	SW of the City of Anchorage
Yakataga SGR	Tsiu River delta; N Gulf of Alaska	West of Cape Yakataga
STATE CRITICAL HABITAT AREAS (SCHA; <u>see</u> Appendix C, Figure 2)		
Anchor River-Fritz Creek SCHA	Anchor River and Fritz Creek	East of the City of Anchor Point
Chilkat River SCHA	Chilkat River	North of the City of Haines
Cinder River SCHA	Cinder River delta, E Bristol Bay	SW of the City of Pilot Point
Clam Gulch SCHA	Cook Inlet	South of the City of Kasilof
Copper River Delta SCHA	Copper River delta; N Gulf of Alaska	SE of the City of Cordova
Dude Creek SCHA	Dude Creek, Icy Passage	West of the City of Gustavus
Egegik SCHA	Egegik Bay and E Bristol Bay	West of the City of Egegik
Fox River Flats SCHA	Fox River delta, Kachemak Bay	NE of the City of Homer
Kachemak Bay SCHA	Kachemak Bay	Adjacent to the City of Homer
Kalgin Island SCHA	Swamp Creek wetlands; Cook Inlet	SW Kalgin Is.
Pilot Point SCHA	Ugashik Bay and E Bristol Bay	West of the City of Pilot Point

Port Heiden SCHA	Port Heiden and E Bristol Bay	North-central Alaska Peninsula
Port Moller SCHA	Port Moller and Nelson Lagoon	City of Port Moller
Redoubt Bay SCHA	Big River wetlands, Redoubt Bay; Cook Inlet	West of the City of Nikiski
Tugidak Island SCHA	NW Gulf of Alaska	Trinity Islands, SW of Kodiak Is.
Willow Mountain SCHA	Willow Creek tributaries	NW of the City of Palmer

STATE GAME SANCTUARIES (SGS; see Appendix C, Figure 3)

McNeil River SGS	Kamishak Bay; NW Cook Inlet	SE base of the Alaska Peninsula
Stan Price SGS	Windfall Harbor; Seymour Canal	E Admiralty Is., SE Alaska
Walrus Islands SGS	Togiak Bay; N Bristol Bay	Walrus Is. (a.k.a. Round Is.), Crooked Is., High Is., Summit Is., Black Rock the Twins

NATIONAL PARKS, PRESERVES AND MONUMENTS (NP, Np, NM; see Appendix C, Figure 4)

Admiralty Island Nat'l Monument	Rivers and coastal waters of national monument	Admiralty Island, SE Alaska
Aniakchak Nat'l Monument and Preserve	Aniakchak Bay, Amber Bay	South central Alaska Peninsula
Glacier Bay Nat'l Park and Preserve	Glacier Bay, Cross Sound, Dixon Harbor, Palma Bay, Lituya Bay; N Gulf of Alaska	North Alexander Archipelago, SE Alaska
Katmai Nat'l Park and Preserve	Katmai Bay, Kinak Bay, Kukak Bay, Hallow Bay, Kamishak Bay	S base of Alaska Peninsula
Kenai Fjords Nat'l Preserve	Nuka Bay, Two Arm Bay	S Kenai Peninsula
Lake Clark Nat'l Park and Preserve	Chiratna Bay, Tuxedni Bay	N coast of Cook Inlet
Misty Fiords Nat'l Monument		Tongass Nat'l Forest, SE Alaska
Wrangell-St. Elias Nat'l Park and Preserve	N Icy Bay, W Yakutat Bay; N Gulf of Alaska	NW of the City of Yakutat

NATIONAL WILDLIFE REFUGES (NWR; see Appendix C, Figure 5)

Alaska Maritime NWR	Bering Sea, N Gulf of Alaska	Aleutian Islands and Pribilof Islands
Alaska Peninsula NWR	S Port Moller and S Herendeen	Alaska Peninsula

Izembek NWR	Bay and the coastal waters from NE Cold Bay to Alinchak Bay	SW terminus of Alaska Peninsula
Kenai NWR	Cold Bay, Izembek Lagoon	Kenai Peninsula
Kodiak NWR	S Turnagain Arm; N Cook Inlet	Kodiak Is., Afognak Is. and Trinity Islands
Olga Bay, Uyak Bay, Uganik Bay;	Kiliuda Bay, Sitkalidak Strait, Alitak Bay, Sitkinak Strait,	
Togiak NWR	Ban Bay; W Gulf of Alaska	Surrounding the City of Togiak
Yukon Delta NWR	Jacksmith Bay, Goodnews Bay, Chagvan Bay, Hagemeister Strait, Togiak Bay, Kulukak Bay, Nushagak Bay; N Bristol Bay	Yukon River delta, Kuskokwin River delta, Nunivak Is.
	Scammon Bay, Kokechik Bay, Hooper Bay, Hazen Bay, Baird Inlet; E Bering Sea	

NATIONAL WILDERNESS AREAS (NWA; see Appendix C, Figure 6)

Chuck River NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Coronation Island NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Endicott River NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Karta NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Kootznoowoo NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Kuiu NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Maurelle Islands NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Misty Fiords NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Petersburg Creek NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Pleasant Islands NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Russell Fiord NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
South Baranof NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
South Etolin NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
South Prince of Wales NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Stikine-LeConte NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Tebenkof Bay NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Tracy Arm-Fords Terror NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
Warren Island NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska
West Chichagof-Yakobi NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska

STELLER SEA LION ROOKERIES, HAUL-OUT AREAS AND CRITICAL HABITAT (SS; see Appendix C, Figure 7)
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SEA BIRD NESTING AREAS (SBN; see Appendix C, Figure 8)

STELLER'S EIDER CRITICAL HABITAT (SECH; see Appendix C, Figure 9)

ALASKA RIVER SEGMENTS DESIGNATED UNDER THE WILD AND SCENIC RIVERS ACT

Alagnak River	Riverine waters	Nushagak-Bristol Bay lowland
Alatna River	Riverine waters	Central Brooks Mountains Range
Aniakchak River	Riverine waters	Aleutian Mountains Range
Charley River	Riverine waters	Yukon-Tanana uplands
Chilikadrotna River	Riverine waters	Central Brooks Mountains Range
John River	Riverine waters	Central Brooks Mountains Range
Kobuk River	Riverine waters	Central Brooks Mountains Range
North Fork Koyukuk River	Riverine waters	Eastern Brooks Mountains Range
Mulchatna River	Riverine waters	Alaska Mountains Range
Noatak River	Riverine waters	Eastern Brooks Mountains Range
Salmon River	Riverine waters	Baird Mountains
Tinayguk River	Riverine waters	Central-eastern Brooks Mountains Range
Tlikakila River	Riverine waters	Southern Alaska Mountains Range

IMPAIRED OR WATER QUALITY-LIMITED WATERS LISTED BY ADEC IN EITHER ITS CWA §305(b) REPORT OR §303(d) LIST

Akutan Harbor, west	Waters of the bay west of 165°46'00"W	Akutan Island
Unalaska Bay, south	Waters of Unalaska Bay from the southwest point of Amaknak Is. at Arch Rock west to the western point of Captains Bay at 53°52'45"N, 166°34'33", west along shore to Devilfish Point, north to the southern tip of Hog Is., east to	Unalaska Island

	shore of Amaknak Is. at northern end of airstrip at 53°54'16"N, 166°33'09"W, south along the shore of Amaknak Is. to the point of origin	
Captains Bay	All of the waters of the bay to the bridge separating Iliuliuk Harbor and a line at the mouth of the bay between Arch Rock point and the point of land at 53°52'45"N, 166°34'33"W	Unalaska Island
Udagak Bay	Waters of the bay from a line between 53°44'32"N, 166°19'14"W and 53°44'32"N, 166°19'14"W	Unalaska Island
Gibson Cove	Gibson Cove	City of Kodiak
Herring Bay	Herring Bay	City of Sitka
Jamestown Bay	Jamestown Bay	Near Cannon Island
King Cove	King Cove	City of King Cove
Popof Strait	Popof Strait	City of Sand Point
Rowan Bay	Rowan Bay	Kuru Island
Silver Bay	Silver Bay	City of Sitka
Thorne Bay	Thorne Bay	Prince of Wales Island
Ward Cove	Ward Cove	City of Ketchikan

APPENDIX C.

MAPS OF AREAS EXCLUDED FROM COVERAGE

UNDER THIS GENERAL PERMIT

Figure 4. Locations of Alaska State Game Refuges, Critical Habitat Areas and Sanctuaries.

Figure 5. Locations of National Wilderness Areas.

Figure 6. Locations of Steller sea lion rookeries in the Aleutian Islands and Bering Sea.

Figure 7. Locations of Steller sea lion rookeries in the Gulf of Alaska and southeast Alaska..

Figure 8. Locations of colonies of seabirds in Alaska.

APPENDIX D.

PICTURES OF SPECIES LISTED UNDER THE ENDANGERED SPECIES ACT

Figure 9. Steller's eider (*Polysticta stelleri*), a sea duck.

Figure 10. Spectacled eider (*Somateria fischeri*), a sea duck.

Figure 11. Short-tailed albatross (*Phoebastria albatrus*)

Figure 12. Steller's sea lion (*Eumetopias jubatus*)

ATTACHMENT A: Table of Conditions pursuant to Selected Other Authorities

Table of Conditions Required by Other Federal Agencies pursuant to Selected Other Authorities		
NMFS = National Marine Fisheries Service FWS = U.S. Fish and Wildlife Service		
Condition	Agency	Authority
Any seafood processing facility discharge which results in the harassment of a marine mammal is a 'taking' in violation of the Marine Mammal Protection Act (MMPA), unless specifically authorized by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service.	NMFS and FWS	Marine Mammal Protection Act
All seafood processors that are authorized under this Permit and that provide refueling to vessels shall ensure that the refueling nozzles or valves at their facility are equipped with functional automatic back pressure shutoff nozzles or valves as required by 33 CFR 154.500 which prevent accidental spills during refueling due to overfilling of the receiving tank or to loss of operator control of the refueling hose.	FWS	Oil Pollution Act and Endangered Species Act

ATTACHMENT B.

Notice of Intent (NOI) to be Covered Form

ATTACHMENT C.

Annual Report Form

ATTACHMENT D.

Seafloor Monitoring Form

